# THE EXAMINER.

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## THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 125.

### DINNER IN HONOUR OF "THE IMMORTAL PITT."

Hic pelli excidia urbem, miserosque Penates,
Ut [illegible] *Virgil, Geor. Lib. 2. v. 505.*

For [illegible] up to fierce ambition,
And things at home in terrible condition,
We drink this jewel of a politician.

In some countries, and with certain common orders of people, the mode of paying tribute to departed excellence is by a natural and unobtrusive grief, by indulging in quiet recollection, and forgetting the little passions and struggles that agitate mankind. But if you lose a "great man" in England, there is an universal recipe for sorrow as well as joy, which will enable you to shew your affliction in the liveliest manner possible, without at all interfering with your pleasures: nay, so accommodating a contrast does it furnish to the usual modes of being afflicted, that it obliges you to be sociable and even provokes an excellent appetite:—the reader is aware that I can mean nothing but a Public Dinner,—a medium of expression that would have been worthy the pen of a VOLTAIRE, so various are it's powers, so complicated and full of contrast it's sympathies. If the object of grief is a very great man—a departed Statesman for instance—the sorrow must be very great, and therefore the dinner is great in proportion. This is always the case with the very melancholy entertainments in honour of Mr. PITT's memory: their historians pique themselves as much on relating the good cheer as the solemnity, and with very good reason. Not to be profuse on such an occasion and run up a long bill would be to shew that the friends of that great man did not appreciate his talents; and though there might be more grief of another kind were there less eating, yet eating and drinking do very much assist in the production of real tears, and in this respect our great men agree with those of Abyssinia, who count it highly honourable to take mouthfuls that bring the water in their eyes. Every body therefore eats at least as heartily as he grieves, and by the fondness which is manifested for the several dishes, one would suppose that they were emblematical of the fine qualities of the "illustrious Statesman:"—the fish of his deep research, the fowl of his vigilance, the birds of his excursive genius, the beef of his English vigour, the turtle of his high credit in the City.—Dr. YOUNG, PETRARCH, or SIMONIDES himself, in comparison with these Anniversary-men, had but a poor taste for the "luxury of woe."

Such was the Dinner given on Monday last in commemoration of Mr. PITT's Birth-day,—Mr. WILLIAMS, East India Director, in the Chair. My friend the *Post* is not so amusing as he was last year in his account of the solemnity, for he has attended a little more to his English; but he is still grave enough to be droll. He tells us in his commencement that "decorum and unanimity were the order of the day, and the loyal and" (what is more, the) "*orderly* sentiments entertained and expressed by every person present, formed a striking and brilliant contrast to those of the rude and mischievous factions with which the public sense has of late been so much insulted." Of the "striking" part of the contrast, the reader will have a very good idea when he hears that among the company were Messrs. PERCEVAL and CANNING, my Lords CASTLEREAGH, CLANCARTY, and MELVILLE, Sir VICARY GIBBS, Mr. CHARLES YORKE, &c. &c.—and of the "brilliant" part he will have a lively sense in reading, among others, the names of my Lords ELDON, MULGRAVE, and MOUNTNORRIS, Sir CHARLES PRICE, Sir JOHN ANDERSON, Sir JAMES PULTENEY, Sir WM. CURTIS, &c. In short, never was seen a finer shew of state-cattle, comprehending Mr. PITT's "servile herd of imitators," the Ministry,—the Boroughmongers, noble and ignoble,—the Barterers of Conscience for Title,—the Placemen and Pensioners,—the Jobbers, the Contractors, the time-serving Lawyers, the Parliamentary Delinquents, the Public Defaulters, and all those who received favours from Mr. PITT or expect to reap profit from lamenting him.

Ambubaiarum collegia, pharmacopolæ,
Mendici, mimi, balatrones, hoc genus omne
Mœstum ac solicitum est cantoris morte Tigelli,
Quippe benignus erat. *Hor. Sat. 2. lib. 1.*

The school of all those who can play to some tune,
Each parasite, beggar profess'd, and buffoon,
All mourn for his death as a common disaster,
For sure never breath'd such a bountiful master.

After enumerating the persons who composed this "most respectable" assembly,—"most respectable," says the historian with his usual climax, "for rank, consequence, talents, and *wealth*," he immediately passes on to the toasts after dinner,—an unpardonable hurry, of which I have before complained. The commemoration is a dinner, and we have a right to know all about that dinner,—who paid the most voracious respect to its subject,—who spoke in praise of the flummery, and who of the calf's head,—what sentimental Contractor shed tears from the united effect of melancholy and the mustard,—who drank to whom, a most important and curious piece of speculation,—what true things Mr. PERCEVAL said,—what pathetic things my Lord CASTLEREAGH,—what brilliant things Sir WILLIAM CURTIS,—and what dignified things about the Reformists, Mr. CANNING. These mat-

ters are left to the imagination, and indeed though a short-hand description of them would be interesting in one point of view, it would tell us little that we may not conceive. Public dinners are all pretty much of the same cast, that is to say, very stupid. He who expects to find in them—

"The feast of reason and the flow of soul,"

will meet with nothing but a feast of turtle and a flow of gravy;—all the soul he shall discover will be in the waiter, and all the reason he shall hear will be the reason why rooms are hot when they are crowded, and why hares eat better with their heads on.

The cloth being removed, and the King's health "*drank* with *every* demonstration of enthusiastic loyalty," such as boldly standing up for him, exerting the lungs for him, and shedding the last drop of the bottle for him (loyal souls!), the Chairman gave, "the immortal Memory of the late Right Hon. WILLIAM PITT," which "was accordingly drank in reverential silence,"—a mode with which nobody can quarrel, as the less that is said on such a subject the better. The President then, who it seems has as good a taste in poetry as in politics, requested that ever-to-be-lamented poet Mr. FITZGERALD "to favour the company with the recital of his *admirable* Independent Tribute," every line of which was received with the most *electric* enthusiasm."—One can easily imagine the shock. Mr. FITZGERALD is an unfortunate middle-aged Gentleman, who being ambitious of poetical fame, has forsaken the quiet corner of a Lady's Magazine to rhyme and rant in the political world, and accordingly he fastens himself upon a public dinner now and then, to lift his muse into notice, just as SINBAD in the Arabian Nights tied himself to a piece of beef in order that the eagles might carry him away with it out of the valley. Here he gets a seat among the "great men," and being warmed with a little praise and a little more port, begins singing and spouting forth his smoke like a tea-kettle. His eulogies of Mr. PITT are sometimes unlucky, and sometimes unseasonable. Of his foreign policy he tells us, that—

——*Till* his plans by Austria's fate were cross'd,
The liberties of nations were not lost;—

that is to say, that till his plans failed, they were successful. The praise of his disinterestedness with regard to money is just; but what does Mr. PERCEVAL say to it?—Mr. PITT, who manifested a contempt for good letters during the whole of his administration, is properly rewarded by having such a poet as Mr. FITZGERALD.—After another customary toast or two, somebody gave, "May the principles of Mr. PITT ever animate the Councils of Great Britain;"—in other words, may the Habeas Corpus be suspended when the Minister pleases, may we do as much for France as we can, and may Taxation and Jobbing leave no guineas in the people's pockets.—This toast, so consolatory to the Ministers and so hopeful to the Contractors, was "drank," says the accurate *Post*, "with *more* than three times three,—perhaps we should not much err if we said *nearly* nine times *nine*,—amidst the most extatic bursts of applause we have ever heard on such an occasion." The mourners must have been in a pretty "orderly" cue by this time, and very well prepared to join in the chorus of a new Song which followed, called "PITT the Patriot's Name," written "expressly for the commemoration" by Mr. FITZGERALD. Then came "The Independence of Parliament; may it ever be equally secure from the power of the Crown and the violence of Factions."—The reader may wish to have seen between these two enemies, the Corruptions of the Aristocracy; but the author of the toast was perfectly right: he knew that the corruptions of the Aristocracy were now identified with the Parliament, and that to wish for security against them would be flying in the face of the House of Commons. The health of the London Anti-petitioners was then given "with rapturous applause," and the City-Baronets, in spite of the beef and pudding, rose to return thanks; a little jeu-d'esprit about factions and rallying round the Constitution, ending with that epigrammatic touch, "salvation of the country," was accordingly delivered by Sir WILLIAM CURTIS, who was happily succeeded by a song called "the Independent Man." The Anti-Revolutionists of Middlesex met with the same honours, and acknowledged them with equal brilliancy through Mr. MELLISH, who said something about victory, loyal men, and being at his post. This was followed by the toast and song of "the Pilot who weathered the Storm," a pleasant piece of fiction written by Mr. CANNING, shewing how we were all rescued from the storm by Mr. PITT, though we are now in the midst of it. "The Landed and Commercial Interests of the Country," were next toasted, and incontinently roused up Mr. BEESTON LONG, Banker, who said (luxurious soul!) that "he could *not deny himself* the pleasure of giving the health of a Right Honourable Gentleman present, who was pursuing a course of administration which he considered well calculated to promote and unite the landed and commercial interests of the country." He therefore gave "the Right Honourable SPENCER PERCEVAL," to the infinite satisfaction of that orthodox and worthy Reversionist, who amidst bursts of applause rose to say,—that he was at a loss what to say. However, he assured the company, that the sole object of himself and his colleagues was to follow in Mr. PITT's steps, though "at an humble distance." The public burdens, the loss of allies, and Walcheren, sufficiently demonstrate the main part of this piece of information; and the "humble distance" is an exquisite touch, considering that Mr. PERCEVAL is Prime-Minister; and that he and his colleagues continue in office in spite of all sorts of disasters. The glasses were then filled to "Lord WELLINGTON and our gallant Army in Spain and Portugal," which produced the Glee of "Britons, strike home."—(For *strike* read *come*.) After a few more customary toasts, the company being warmed into a

comfortable carelessness, and glad of any excuse for a bumper, ventured on the health of the Ex-minister CANNING, which was followed by great applause and then by as great a silence in expectation of a speech; but whether that Gentleman felt himself disconcerted by the honours of Mr. PERCEVAL who had tricked him, or by the presence of Lord CASTLEREAGH who had exposed him, or by the recollection of certain high hopes expressed by him at the late Anniversary respecting the alliance of Austria, the company found that he had slipped from under his laurels, and gone away. For this disappointment, after another toast or two, our impartial and jolly mourners consoled themselves by making as great a noise in favour of Lord CASTLEREAGH's health, who said, that he "felt deeply," but informed them twice over that he could not "express himself,"—an incapability which, considering the lateness of the hour, was very readily pardoned.

But human glory has an end, and so have dinners. "Shortly after this," says the dignified but snug *Post*, "the greater part of the company left the room highly gratified with a scene, which, though in fact principally as it was intended to be a festival of the heart, and a commemoration and a confirmation of a man and of measures that constitute the safety of Britain, was at the same time, by the care of the Stewards, and the exertions of Messrs. HALL and Co. keepers of the tavern, as superb and elegant an entertainment as could possibly be provided for so large a company. The dinner, desert, and wines, were in quality, and in the manner of serving, admirable and *satisfactory* in the highest degree."—Thus concludes the patriotic historian, with a noble climax, and a puff for Messrs. HALL and Co.—a conclusion perfectly characteristic both of the dinner and it's designs, for the end of your "loyalty" is nothing but the enjoyment of good things. The Reformists, to be sure, are an annoyance, but then the dinner is "admirable;"—the loss of PITT is a terrible thing, but then how "satisfactory" the wines!

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## *FOREIGN INTELLIGENCE.*

### FRANCE.

PARIS, MAY 20.—The *Moniteur* of the 18th inst. contains a letter from Count Suchet, to the Prince of Neufchatel, detailing the defeat of the Spanish General O'Donnel, in Catalonia. On the 23d of last month, the Spanish army appeared before the bridge of Lerida, with the intention of raising the siege of that place, when the French suddenly attacking the advanced guard, the greatest part of the troops laid down their arms. The garrison was prevented from co-operating with the army of O'Donnell by the position of a corps stationed by the French commander in a situation which rendered it impossible for the garrison to move. The main body of the Spanish army then advanced, and presented a tolerable fine line of infantry, but being taken in the rear by a strong body of Cuirassiers, the whole instantly gave way. The French infantry did not fire a musquet. The loss of the Spaniards amounts to 5617 prisoners, including a Major-General, a Colonel, and 271 Officers, besides an immense number of killed.

A letter from the Duke of Abrantes to the Prince of Neufchatel, relates the particulars of the siege and surrender of Astorga. On the surrender of the place, 3500 fine troops, well armed with English musquets, completely cloathed with English cloathes, laid down their arms, and were marched for France. During the siege a party of 2000 Spaniards, who came to the relief of the place, were defeated.

The *Moniteur* of the 19th contains a decree, dated from the Imperial Castle of Lacken, declaring that, "The Isles of Walcheren, South and North Beveland, Schouwen and Tholen, shall form a Department, which shall bear the name of the Department of the Mouths of the Scheldt.

### REPORT BY THE MINISTER OF WAR TO HIS MAJESTY THE EMPEROR AND KING.

"I have the honour to inform your Majesty, in consequence of the orders I received, that the number of English prisoners who distinguished themselves at the fire that broke out at the town of Auxone, is 21, to wit, 12 of the first class of Captains of Merchant vessels; 3 of the second class; 4 passengers; one merchant detained as an hostage, and a sailor.—Ten of them received hurts; viz. Messrs. West, Humble, Dobbins, Hurst, Fenil, and Topping, (rather severe ones); and Messrs. Mosely, Welsh, (who had before saved a child from the flames at Arras), Robinson, and Davies, less severely; they are all recovered.—Those who appear to have exposed themselves the longest, without having received any injury, are Messrs. Atkinson (Robert), Macjunes, Pemberton, Delivet, and Smaile. Great praise is due to Messrs. Thornhill, Holiby, Miller, Atkinson (Thomas), and Collins. They also gave proofs of zeal, and afforded great assistance.—The account transmitted by the Prefect of the Cote d'Or, put your Majesty in possession, if you will deign to look at it, of fuller particulars respecting the conduct of these prisoners, and the nature of the reward which your Majesty seems inclined to bestow on them.

"*Paris, April* 29. Duke of FELTRE."

"The Minister of War will express to them my satisfaction; will order them to be paid a reward amounting to six months pay, and will send them to their own country, under their promise not to serve until they are exchanged.

"*Antwerp, May* 3. NAPOLEON."

## *PROVINCIAL INTELLIGENCE.*

There have been some disturbances at Birmingham. A riot began in the market-place, about half past two on Monday, in consequence of the high price of the potatoes, 1s. 3d. per peck. The populace threw them about, and broke many windows; they also threw down and carried away stalls of the butchers, and threw them into the moat near the market-place, broke the windows of a baker's shop in Edgbaston-street, and from thence proceeded to a potatoe-grower's at Edgbaston, by which time the military from the barracks made their appearance and took 15, whom they found in the house, into custody, and lodged them in prison.

The Worcester Local Militia have proceeded to some acts of outrage, in consequence of the disputed marching guineas. They are stated to have ill-treated their Colonel and other Officers, and to have forcibly obtained arms from the depot.

A Boxing Match, for two hundred guineas, betwixt Dutch Sam and Medley, was fought on Thursday, on Moulsey Hurst, near Hampton. By the time the 18th round was fought, it would be difficult to represent the situation of Medley; his face was shockingly disfigured, and the torrents of blood which flew from Sam's hits in the last round, rendered the scene terrific. It would be truly disgusting to detail the other thirty-three rounds. At length Medley bled so as to baffle his seconds

to stop it, and nature having long become exhausted, his brother declared him beaten.

### AGRICULTURAL REPORT FOR MAY

The dry weather at the beginning of last month has greatly improved those wheats that were somewhat injured by the severity of the winter, and which, from the prolific nature of the plant, have tillowed off many side stems, that have nearly filled up the vacant spaces caused by the slug and frost; by which the greater part that looked dubious in April, now promise a moderately good crop. Those that were not injured have shot finely into spindle, with a deep coloured flag, which always precedes a large and fruitful ear.

The early sown spring corn has shot up regularly in those situations where the seed was sown before the late dry weather set in. The barley curls well upon the flag; and the oats throughout have large prominent stems, both of which are indications of full crops.

Beans have made a strong and rapid growth in the last month, and swell largely for blossom.

The early sown peas are a very indifferent crop, having been much injured by the severity of the spring, which the latter have escaped, and promise a full crop. The hops have made strong shoots, and look healthy.

## *IMPERIAL PARLIAMENT.*

### HOUSE OF LORDS.

The House have been occupied during the week in forwarding the Bills on the Table.—On Friday, the Gas Light Bill was passed, and the Scotch Judicature Bill was thrown out.

### HOUSE OF COMMONS,

*Monday, May 28.*

#### SCOTCH CLERGY.

Mr. PERCEVAL said he had given notice last Session of his intention to better the situation of the poorer Clergy in Scotland, on the same principle that a Bill had been brought in for those of England. It was his intention that none of the Livings should be under 150l. a year. The object of the Bill he should therefore move for, was to grant a sum of not more than 10,000l. a year to make good that deficiency. With respect to the sum he mentioned, he thought it only a fair minimum, as there were no prospects of promotion in the Scotch Church such as in the English, to give additional weight to the poorer Clergy. It was therefore only reasonable they should all be removed from a state of poverty. He concluded by moving, "That the House go into a Committee to consider of the acts relative to the Scotch Clergy."—Agreed to.

#### REFORM.

Lord MAHON presented a Petition from the Incorporated Bodies and certain Inhabitants of Kingston-upon-Hull, which expressed their acquiescence in every fair and legal privilege claimed by the House. They did not take upon them to say, whether the commitment of Gale Jones and Sir Francis Burdett was a legal exercise of this privilege or not; but they regretted the privilege of the House had on those occasions been carried so far, and lamented that it should have been so closely connected with the appointment of Mr. Yorke to a sinecure, and subsequently to one of the first Offices under Government. They prayed the House to revise its proceedings, as being of dangerous tendency, and begged leave humbly to recommend the abolition of sinecures, and all posible economy in the Public Expenditure. The Petition was ordered to lie on the table.—Adjourned to Wednesday.

*Wednesday, May 30.*

The Right Hon. Mr. Yorke, and another new Member, took the oaths and their seats.

Mr. MARTIN presented a Petition from the Corporation of the town and county of Nottingham, praying for Parliamentary Reform.—Ordered to lie on the table.

Mr. WHITBREAD presented a Petition from Major John Cartwright, upon the same subject as that from the same gentleman lately presented, but rejected by the House on account of some exceptionable terms used therein. Mr. Whitbread stated, that it never was the intention of the petitioner to use any language offensive to the House, and that in the Petition he now offered those exceptionable phrases were omitted.—The Petition was ordered to lie on the table.

#### IRELAND.

Mr. W. POLE moved for leave to bring in a Bill to repeal the Irish Insurrection Act passed in 1807. He was aware that many loyal and humane gentlemen in Ireland thought it dangerous to repeal this law under existing circumstances; but the Government confidently felt they could govern the country without it, and were sufficiently strong to maintain the public peace and security without the further continuance of a law which nothing but the most urgent necessity could warrant. In lieu, however, of this act, it was his intention to bring in a bill to prevent the administration of unlawful oaths for seditious purposes, by making the taking or administering such oaths a felony, and liable to transportation for life.

Sir JOHN NEWPORT rejoiced at the repeal of this most oppressive measure, and more particularly as the ground of the repeal was, that confidence could be placed in the people of Ireland.

The motion was put, and leave given to bring in a Bill to repeal the Insurrection Act in Ireland; A Bill to continue for a time to be limited and amend the Act of the 47th of his Majesty for preventing improper persons from having arms in Ireland: And a Bill to prevent the administering unlawful oaths, and for the protection of Magistrates in Ireland.

#### IRISH BUDGET.

The House resolved into a Committee of Ways and Means.

Mr. FOSTER said, that it was his duty to submit to the consideration of the Committee the amount of the supplies voted, and the ways and means he proposed to recommend for the service of the present year in Ireland. In doing this, it would be necessary to state the situation of the finances of Ireland. The Right Hon. Gentleman then detailed the various charges affecting the Consolidated Fund, the surplus of which he estimated at 1,478,000l. and added that only 311,000l. of that surplus remained applicable to the service of the present year. The total charge, including interest and sinking fund, on the public debt in Ireland, amounted to 3,974,000l.; the two seventeenths of the joint charge of Great Britain and Ireland were 6,106,000l. British, or 6,614,000l. Irish currency, and the Treasury Bills to be provided for amounted to 541,000l.; making in the whole a total of 11,129,000l. to be provided for. To supply this sum, he should take the revenue of Ireland at five millions. If to this sum were added the two loans, they would give a total of 11,660,000l. which would afford an excess of supply of 31,000l. He admitted that it would be desirable to raise as much of the supplies as possible within the year; but as Ireland had but small capital, and was increasing in her manufactures, such a measure might have the effect of repressing the spirit which led to the improvement and growing progress of her manufactures. The Committee would therefore agree that it would be desirable to resort to the mode of meeting the supply by loans, and providing by taxes for the interest and sinking fund only. The sum necessary to be provided in the present year was 3,331,000l. It was with great satisfaction he had to state, that though the charge upon the revenue had increased, yet the revenue had increased in a higher proportion. The exports and imports, if they had not increased, had certainly not in any considerable degree decreased. The export of linen had decreased 400,000l. but that deficiency had been made up for by an increase upon different other articles. Hides and skins, and linen, and worsted yarn had decreased in the exports, which was a proof of the increasing prosperity of the country, when the raw materials were kept to be manufactured in the country. The export of corn

had never been so large as last year; and the quantity of ground tilled this year afforded, in the event of a favourable season, a prospect of an abundant crop, a source of wealth to that country, and a necessary supply to this.—In adverting to the state of the Trade of Ireland, he had only stated the mere official value. The real value of the exports would shew it in a much more satisfactory light. The real value of the Exports in 1800, was five millions; in 1802, a year of peace, eight millions and a quarter, and on the average of 1808 and 1809, twelve millions. The real value of British Exports in the same years were, in 1800, forty millions; in 1802, forty-eight millions; and in 1809, forty-five millions, being an increase of one-ninth only, whilst the Exports of Ireland had increased full seven-fifteenths; so that there could be no ground for despondence. He had next to submit to the Committee the Ways and Means by which he proposed to provide for the charge of the loan of the present year, which, including management, interest, and sinking fund, was but 5l. 13s. 3d. per cent, and amounted in the whole to 338,269l. He proposed to assimilate the Revenue of the Post Office of Ireland to that of Great Britain, by adding one penny to the postage of every letter, which he estimated would produce 35,000l. The duties on tea he meant to raise to the same amount as they existed in this country, with the exception of a small per centage, suppose 3 per cent. to indemnify the Irish for the expence of coming to London for their teas. This, with an addition he proposed on currants and raisins imported into Ireland, would produce 70,000l.—He intended to raise the stamp duties on receipts in Ireland to the same amount as in this country, and the duty on advertisements, which in this country was three shillings and in Ireland but one, he proposed to raise to two, which he expected to produce 30,000l. The duties on wines he meant to increase by adding twelve guineas per ton on Port and Spanish wines, and eighteen guineas per ton on French wines. A guinea a ton would be just one penny a gallon, and twelve guineas per ton would only be twelve pence a gallon, or three pence a bottle: this addition would produce 150,000l. The next item he had to propose would be matter of regulation relative to storage, from which he expected 18,000l. He had only to add one other augmentation of an existing tax, to put the House in possession of the whole of the Ways and Means he had to propose: and that was, to add 50 per cent. to the window-tax in Ireland. Houses having less than seven windows were exempt from the duty; and as even with the addition the tax would be less than was now paid in Scotland, he was convinced that no Gentleman could object to it. This he should take at 85,000l., being rather less than one-half of the present produce of the tax.' The general result would be, as the Committee would perceive, that the Ways and Means he had stated would give a total of 338,000l., leaving an excess above the charge for the Loan. He should not trespass farther on the time of the Committee, but move his Resolutions.

On the motion being put,

Sir J. NEWPORT could not avoid doubting that the Taxes proposed by the Right Hon. Gentleman would amount to the sum at which he calculated them. When the Right Hon. Gentleman stated the revenue of Ireland at five millions, he was really at a loss to know upon what data he proceeded, for it certainly had not hitherto produced any thing like it. He could not think that the Post Office revenues must necessarily be increased by every additional tax laid on the postage of letters, nor that every tax which was productive in such a rich country as England, must necessarily be productive in Ireland. It was a thing allowed, that in finance two and two do not necessarily make four, and that doubling a duty does not on that account double the revenue. The ten duties last year had decreased 60,000l. and it was a thing unusual in finance, to lay additional duties on a decreasing branch of revenue. The tax upon currants and raisins did not appear to him likely to be a productive one in Ireland, and as to the stamp upon receipts, there was no tax so easily and so often evaded. As to the tax on advertisements, he thought that would be in a good measure defeated by the practice of giving notices by hand bills. As to the duties on wine, the Right Hon. Gentleman had no right to calculate on an increase of revenue from an increase of duty, as it was notorious the revenue from wine duties had decreased considerably since the last duties were imposed in 1805. After mentioning some balances on the books of the customs, he adverted to the considerable balances due from deceased and dismissed collectors. It appeared that Mr. French, uncle to Lord Clancarty, was in arrear 11,000l. Mr. Shaw, collector of Cork, 7400l. A sum of above 9000l. was due from Mr. Lysaght, who died leaving a personal property of 30,000l. or 40,000l. Mr. O'Connor, of Cork, was indebted in the sum of 19,000l. This was the gentleman who carried off 7000l. of the public money; but although he had been taken and imprisoned, yet government had thought proper to liberate him. Now it must be recollected that Arthur O'Connor and another brother had taken one course of politics, but that this Mr. O'Connor took a line very different from his brothers, *was most signally "loyal," and run away with the public money!!* It seemed extraordinary that Government passed over the affair so lightly, or that they did not exert themselves to recover the balances that were due. He was afraid that increasing the taxes in Ireland would increase the number of absentees, which would not only diminish the prosperity of Ireland, but endanger the peace of the Empire.

Mr. W. POLE said, that he believed that both in Mr. Shaw's case, and in that of Mr. O'Connor, the real balances were much below what appeared on the books.

The several Resolutions were then put and agreed to.

## DROITS OF ADMIRALTY.

Mr. TIERNEY moved, "That an humble Address should be presented to his Majesty, representing that that House had complied with his gracious message, to make a Provision for his Royal Highness the Duke of Brunswick, and had granted 7000l. per annum, chargeable on the consolidated fund, for that purpose. That it appeared to that House, that so large a sum as 342,000l. now remained at the disposal of his Majesty, and that they could not avoid expressing their surprise and regret that his Majesty should have been advised to make any application to Parliament when such a fund remained at the disposal of the Crown; that they begged to call his Majesty's paternal attention to the heavy and unprecedented burthens imposed upon the people in consequence of the War with France; and to declare, that while they were ever anxious to support the splendour and security of the Throne, they also considered it a duty not unnecessarily to encrease the burthens of the Country. They, therefore, prayed his Majesty to pay into the Consolidated Fund from the Droits of Admiralty, a sum equal to the annuity granted to his Royal Highness the Duke of Brunswick."

Mr. PERCEVAL was of opinion, that even if the fund alluded to should be considered adequate to the present demand, yet that still such demand ought not in an address to his Majesty to be connected with any grant made to the Duke of Brunswick. He hoped that an inspection of the application of that fund would serve to shew the House, that there was no reason whatever for, in terms of reproach, insinuating to his Majesty that he had been unmindful of the burthens of his people. The Right Hon. Gentleman here went into a distinct enumeration of every item of a very voluminous account, together with a description of every appropriation which had been made from this fund during various preceding Administrations, and justified *his* conduct by *their* example. It had been said that this annuity might have even been made chargeable on the Civil List. He was very sorry to be obliged to refute this assertion. Whether it was from some original deficiency in the amount, or from the encrease of expenses since that time, the Civil List was not only in debt now to the amount of 170,000l., *but was incurring a quarterly expenditure of* 30,000l. *above its receipts!* With respect to the Droits of Admiralty, there were various expenses to which much of it must now be appropriated; he instanced the rebuilding of St. James's Palace, and the payment of a sum of money in consequence of a case of peculiar hardship of improper capture,

It was, from these considerations, his full opinion that no application of any part of this fund to the public service could be made at present, and that to agree in the proposed address would be offering a reproach to his Majesty.

Mr. CREEVEY felt it necessary to make a few observations on what had fallen from the Right Hon. Gentleman opposite. A paper had been produced on this night only, which ought to have been printed and in the hands of every Member, as it contained a statement never before heard of, and yet what every man in that House ought to have known before. Besides this paper, his Right Hon. Friend (Mr. Tierney) had mentioned a sum of 40,000*l.* which was given out of the Droits of Admiralty to pay the pensions which had been given to Members of both Houses. He enumerated the names of Mr. Long, the relations of Mr. Canning, General Cranfurd, Sir H. Popham; and he said there were several others, who generally voted on the side of Ministers.

Mr. LONG said, his pension had been granted to him only after ten years service as Secretary to the Treasury; and considering the length of time he had been in that service, there was no one who had been so little remunerated as himself.

Mr. BROUGHAM supported the motion, and Mr. STEPHEN opposed it.

Mr. WHITBREAD offered some strong arguments in support of the motion.

A division took place—For the Address, 75; Against it, 101.—Adjourned.

*Thursday, May 31.*

## LORD VISCOUNT DURSLEY.

Mr. SWAN presented a Petition from certain Freeholders of Gloucester against the return of Lord Dursley as Member for that County.—The Petition, among other things, stated, that at the time of the election, a person calling himself William Fitzharding Berkeley, commonly called Lord Viscount Dursley, was returned a Member to this Parliament, and took his seat; but it appeared from the Rolls of Parliament, that the said person had not taken the oaths, nor qualified. From a minute taken from the Clerk's book, it did appear that this person had entered himself as a Peer's eldest son. That from reference to the Parish Register Book of St. George's, Hanover-square, the said person was baptized as the son of Earl Berkeley by Mary Cole, on the 25th January, 1787. That subsequently, as appeared from reference to the Parish Register of St. Mary, Lambeth, the Earl of Berkeley had been married on the 16th May, 1796, to Mary Cole, spinster, the said Earl Berkeley taking the usual oaths on the 6th May, before the Surrogate, that he was a bachelor, and intended to marry the said Mary Cole. Subsequent to the said marriage, viz. on the 19th November, 1796, was baptised at the said parish, as appeared by the Register, Thomas Fitzharding Berkeley, called Lord Viscount Dursley.

On the question being put, that the Petition do lie on the table,

Mr. CALCRAFT did not intend to take a view of it at present, but merely to call the attention of the House to a few facts which the Petitioners had chosen to keep back. They had suppressed the fact that the Noble Earl (whom they stated was for the first time married in 1796 to Mary Cole) was married in 1785, at the parish church of Berkeley, as appeared from the Register. This was a matter not only generally known and canvassed at the election, but throughout the country. It was also the subject of grave inquiry in the House of Peers. The petitioners had chosen to present a garbled and suppressed account. He deprecated the idea of laying the Petition on the table, because there it might lay without an opportunity of answering the slander which it contained; but the effect would be produced, for it would generally obtain circulation in the country.

Mr. GRENVILLE was disposed to say that this came under the Grenville act; it ful and nice case, and he would Debate be adjourned till Tuesday

The Debate was adjourned till Tuesday next.

## EAST INDIA AFFAIRS.

The House having gone into a Committee on East India Affairs,

Mr. DUNDAS entered into a detail of the progress of the affairs of India. The Indian expenditure, in consequence of the wars in which the Company were involved, and the losses they experienced, exceeded their profits in 1805-6, by 2,587,000*l.* In 1806-7, by 3,263,000*l.* In 1807-8, they were considerably less, their amount being only 130,000*l.* above the revenue, and in the account of 1808-9 (the last received) there appeared a surplus of 138,000*l.* The treasury of the Company was in a flourishing state, being richer in cash, bills, &c. than ever it had been before. The military establishment, he would observe, might be reduced, there being no reason for believing hostilities were again likely to occur. He then went into a statement of the debts of the Company, which he observed had decreased by the sum of 1,200,000*l.* within the last year. He concluded by moving—"That it is the opinion of this Committee that the loan of a sum, not exceding 1,500,000*l.* should, under the present circumstances, be advanced for the service of the East India Company."

Mr. CREEVEY was not satisfied with the security for the payment of the loan. So far from the affairs of the East India Company having improved since the year 1808, it appeared from their own statement that they were actually 3,000,000*l.* worse in 1810. They had forfeited all their engagements with the Public, and now they came to borrow of the Country, because they were unable to borrow elsewhere.

After a few words from Lord MORPETH, Mr. CREEVEY, &c. a division took place, when the numbers were—Ayes 77—Noes 10.

[A short conversation took place between Mr. WHITBREAD and Mr. PERCEVAL, on the Report of the Committee on the Funding of Exchequer Bills. The Chancellor of the Exchequer admitted that the subject required their grave consideration, but that he could not immediately give it that consideration to which it was entitled. Mr. Whitbread thought an example should be immediately made of the offenders, but was willing to give the Right Hon. Gentleman all the time of the recess to consider of re-constructing the office.]

## PUBLIC EXPENDITURE—SINECURES.

Mr. D. GIDDY brought up the Report of the Committee on Public Expenditure, the two first Resolutions of which were read. On the second, which set forth the expediency of abolishing Sinecure Places,

Mr. BANKES moved as an Amendment,—"That after the words 'it is expedient,' in the Resolution, the remaining should be omitted, and the following inserted:—"After providing sufficient sums for his Majesty to recompense the High Officers on the Civil Establishment, to abolish all Offices in the Revenue which are without employment, *except those connected with his Majesty's Service, and that of the Royal Family.*"

On the Amendment being read,

Lord MILTON observed, that the system of Sinecures could not be defended. He conceived it to be a mockery to appoint Committees and receive Reports, without putting into effect their recommendations.

Mr. BATHURST said, the mode now proposed was not decisive; an investigation should be set on foot, to learn the Sinecures which ought to be abolished, and the offices which deserve to be remunerated. The question was simply, whether the thing should remain with the old name, or obtain a new one, both being equally obnoxious to the public. He would not agree with the Amendment, unless he could plainly perceive what was to be substituted, and what was to be abolished. He was convinced, that with proper attention of the Government, great retrenchments might be made.

Mr. THORNTON and Mr. WILBERFORCE supported the Resolution.

Mr. LONG was not assured that the substitution of Pensions in lieu of Sinecures, would be more agreeable to the wishes of the People.

The House then divided on the Amendment—Noes 95—Ayes 105—Majority 10.

While the Ayes were out, Mr. BANKES addressed them in the lobby, and stated that should the amendment be carried, he should propose the other Resolutions in the printed paper, in lieu of the Amendment of Mr. Perceval.

On re-admission to the Gallery, Mr. BANKES was moving an Amendment to the second Resolution, in substance stating, "That it is expedient to abolish all offices filled by deputy, providing also that security should be given for the due performance of the duties attached to the same."

Mr. PERCEVAL suggested to the Hon. Gentleman to postpone the Amendment, but Mr. BANKES presevered. The Gallery was again cleared for a division, when the numbers for the Amendment were—Ayes 111—Noes 100—Majority against Ministers 11.

The Gallery was not again opened. The House continued in discussion for some time upon the other Amendments, which were at length agreed to.—Adjourned.

*Friday, June* 1.

In a Committee of Supply, 100,000*l.* were voted for the relief of the Poor Clergy:—21,000*l.* for indemnity to the Commissioners of Inquiry into the Public Expenditure:—8000*l.* for indemnity to Commissioners to ascertain the State of Windsor Forest:—3000*l.* for the Vaccine Institution:—1034*l.* to James Read, Esq. for the Expence of extra Constables during the late disturbances!—[This item was objected to by Mr. WHITBREAD, who threatened a motion on the subject; and the vote was therefore delayed till Wednesday, when the account is to be ready.—Several other sums were also voted.]

Mr. WYNNE brought in a Bill for the more effectual Prevention of Bribery and Corruption in Elections.

## CATHOLIC QUESTION.

The Debate on this question being resumed, Mr. HUTCHINSON made a long speech in favour of the motion, which was also supported by Lord TAVISTOCK, Mr. TALBOT, Mr. PARNELL, Sir R. MILBANKE, Mr. BARHAM, Mr. W. WYNNE, Mr. M. FITZGERALD, Sir J. SEBRIGHT, Lord G. GRENVILLE, and Mr. PETER MOORE:—It was opposed by Mr. O'HARA, Sir. T. TURTON, Capt. PARKER, Mr. DUNDAS, and the SOLICITOR-GENERAL.—Mr. GRATTAN replied, and a Division took place—For the Motion, 109—Against it, 313—Majority against Catholic Emancipation, 104.—Adjourned.

## *TUESDAY'S LONDON GAZETTE.*

*Admiralty-Office, May* 29, 1810

Vice-Admiral Sir James Saumarez has transmitted to John Wilson Croker, Esq. a letter he had received from Captain Reynolds, of his Majesty's ship the Tribune, giving an account of his having, on the 12th instant, fallen in, off Mandal, on the coast of Norway, with four Danish brigs, two of 20 guns, one of 18, and one of 16, which, after a severe action of two hours, made all possible sail for the shore, and owing to the damages sustained by the Tribune in her sails, and want of wind, escaped amongst the rocks. Eight men and one boy were killed on board the Tribune, and 18 men wounded. The loss of the enemy is supposed to have been considerable.

### BANKRUPTCIES ENLARGED.

C. Dally, Manchester, lace-manufacturer, from May 29 to July 17, at ten, at the Star Inn, Manchester.

E. Baker, Whitcomb-street, brewer, from May 26 to July 14, at ten, at Guildhall.

### BANKRUPTCY SUPERSEDED.

C. Hanbury, Seething-lane, corn factor.

### BANKRUPTS.

J. Mash, Red Lion-passage, Holborn, potatoe merchant.
T. M. & W. Fea, Crown-court, Threadneedle-street, merchants.
J. Fulford, Hon Mill, Warwickshire, miller.
T. Linford, Cheapside, jeweller.
E. Sutton, Hounsditch, butcher.
J. Burford, Whitechapel-road, glass seller.
H. Canning, Broad-street, merchant.
P. Brooker, Banwell, Somersetshire, mylor.

## *SATURDAY'S LONDON GAZETTE.*

### BANKRUPTS.

G. Robson, Lancaster, Lancashire, linen-draper.
J. Swain, Ramsgate, Kent, bricklayer.
W. Burnett, North Petherton, Somersetshire, baker.
D. Gray, Long Melford, Suffolk, grocer and draper.
S. Ackerley, Liverpool, woollen-draper.
S. Barratt, Fetter-lane, jeweller.
R. Fuller, Deal, Kent, shopkeeper.
S. Jackson, Bermondsey-street, woolstapler.
W. and J. Smith, Stapleford, Hertfordshire, timber-merchants.
P. M'Taggart, London, broker.
J. Polley, New Bond-street, furniture-printer.
W. J. Ward, Market-street, St. James's, victualler.
J. Bott, Birmingham, snuffer-maker.
S. Perks, Walsall, Staffordshire, factor.
E. Rawson, Clement's-lane, carpenter and builder.
G. Frost, Gateshead, Durham, victualler.
J. Thompson, Philpot-lane, provision-baker.
G. H. Gerlach, London-street, Fenchurch-street, merchant.
J. Aldridge, Nelson-square, Blackfriars-road, surgeon.
J. Coleman, Silver-street, Golden-square, tallow-chandler.
G. B. Tipping, Wormwood-street, London, merchant.

PRICE OF STOCKS ON SATURDAY.

3 per Cent. Cons. for Money 70¼ | Ditto for July....71⅛
Omnium.....1⅛

# THE EXAMINER.

*London, June* 3.

Mr. BANKES has carried against Ministers, by a majority of eleven, his Bill for the Abolition of Sinecures. This abolition is charmingly managed:—it *excepts* the Sinecures of retired Officers of State; it excepts the Sinecures "connected" (to use Mr. BANKES's phrase) with the Royal Family; and instead of the *remaining* Sinecures, a disposeable Fund is to be created for the bestowal of *Pensions*. This is called a step towards Reform, and so it may be:—if I place one foot before the other in a direction north of the metropolis, that is a step towards Scotland, but Scotland is still a great way off.—The thing is scarcely worth noticing, except as an additional proof, if proof were wanted, of the little good which will ensue to the nation from these mongrel measures.

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There is no certain intelligence from Spain. The Spaniards talk of their laurels, and the French of theirs. The truth is, that no laurels are obtained on either side, for the Spaniards are too feeble to get any for themselves, and too ill-furnished to yield any to their conquerors; but there can be little question, that the French are putting or about to put the last finishing stroke to Spanish independence. The Paris papers inform us, that MASSENA is marching towards this consummation with 75,000 men, so that we may soon look out for the return of my Lord WELLINGTON—and then *Exeunt omnes*,—the farce is ended.

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Lord WELLINGTON, whose head-quarters were at Almeida, has, according to intelligence brought by a Gentleman who left Lisbon on the 19th ult. in a vessel bound

to the Baltic, broken up from that town, and proceeded into Spain, apparently with the intention of bringing Marshal Ney to action. The Marshal, who was supposed to have determined upon laying siege to Ciudad Rodrigo, has retreated from his position near that city, and taken the route towards Salamanca. He has not retreated, however, either so far or so quick as to render a battle improbable. On the contrary, it was generally expected at Lisbon that a battle would take place. Probably Ney wishes first to be reinforced by Junot's corps, which has already joined Loison's. They were both expected to effect their junction with the division under Ney in a few days.

The Princess Amelia is said to be better.

The Duke of Cumberland, although he has suffered much by severe bruises as well as wounds, is said to be in a very fair way of recovery.

Mr. Windham is not expected to live many hours.

## THEATRICAL EXAMINER.

### No. 70.

COVENT-GARDEN.

If Mr. Kemble has not succeeded Garrick in all tragic excellence, as some of his admirers pretend, he has worthily succeeded him in one important respect, that of loving Shakspeare and keeping him before the public. The other Managers of the present day have so little taste, with the exception of Sheridan, who cares for no taste but that of port, that were it not for Mr. Kemble's exertions, the tragedies of our glorious bard would almost be in danger of dismissal from the stage; and it does him infinite credit to have persevered in his exertions in spite of comparatively thin houses; to have added to the attractions of his poet by a splendour of scene as seasonable as well-deserved; and to have evinced so noble an attachment, and helped to keep up so noble a taste, in an age of mawkishness and buffoonery.—It is in this spirit that Mr. Kemble continues to draw from Shakspeare a kind of stock play for the season, which is performed regularly once a week, as he has done with *Macbeth*, *Hamlet*, and *K. Henry the Eighth*, and is now doing again with *King John*.

"The tragedy of *King John*," says Johnson, "though not written with the utmost power of Shakspeare, is varied with a very pleasing interchange of incidents and characters. The lady's grief is very affecting; and the character of the *Bastard* contains that mixture of greatness and levity which this author delighted to exhibit." These remarks are sufficiently concise, and in the usual spirit of the Doctor's criticism, consisting of assertions very well founded, but careless of all proof. But even in so compendious a strictnre, something might have been said of the pathetic scene between *Arthur* and *Hubert*, and of the fine contrast between the pusillanimous, selfish *John*, and the undaunted, disinterested *Bastard*. The *Bastard*, with his lively spirit breaking out in familiar phrase through the general majesty, is one of those characters in Shakspeare, to which the critics object as unworthy of tragic dignity; but familiarity is unworthy of dignity, only when it implies meanness of character and habit, not when it implies generosity of feeling. The *Bastard's* familiarity, so far from being little in itself, is the result of a noble disdain of what is little; and corrected as it is by his natural dignity, it even adds to that dignity by taking from it all theatrical stiffness, and giving an air of ease and indifference to his noblest actions. The tragedy of *King John* is certainly "not written with the utmost power of Shakspeare," because the utmost power of the poet's wisdom and imagination was not called into play by the nature of the story; but it contains all that is adequate to a just and delicate discrimination of character, and perhaps there is no play of Shakspeare, taken altogether, which exhibits so equable and so elegant a flow of versification.

The *Constance* of Mrs. Siddons is an excellent study for young actresses, to whom it will shew the great though difficult distinction between rant and tragic vehemence. In an inferior performer, the loudness of *Constance's* grief would be mere noise; but tempered and broken as it is by the natural looks and gestures of Mrs. Siddons, by her varieties of tone and pauses full of meaning, it becomes as grand as it is petrifying. Mr. Kemble's *King John*, with it's theatrical tone of dignity and its mixture of confidence and whining, is one of his happiest performances:—in the scene with *Hubert* he displays much knowledge of effect, and has in particular one excellent expression of the mouth, which, while he is anxiously looking for *Hubert's* reply to his dark hints, is breathlessly opened and gently dropped at the corners:—but there is too much pantomimic rolling of the eyes. Charles Kemble, always elegant, with a chivalrous air, and possessing a strong taste for contemptuous irony, is as complete a *Faulconbridge* as one can desire.—The effect of this and other tragedies of Shakspeare, must give Mr. Kemble great satisfaction. Every person indeed, who has a regard for the spirit and dignity of his country's literature, must be gratified to see that these endeavours, founded on so just an enthusiasm, are properly rising in the public estimation. The audience assembled at *King John* last Monday was as numerous and attentive as it was respectable, and you saw what you ought to see in an English Theatre,—an excellent drama properly performed and properly appreciated.

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### THE OPERA.

Sir,—The good taste evinced by Signor Naldi, in his own compositions, and in his execution of those of other Masters, has hitherto induced me to look forward to the return of his benefit, with the hope of it's producing some Opera of merit, to compensate for the patient endurance of Guglielmi's dullness, and the flippancy of Pucitta. In the present instance expectation has been disappointed, and the names of Mozart, Cimarosa, and fifty other great composers, have been overlooked, to make room for an Opera of Fioravanti's, called *Il Matrimonio per Susurro*,—*The noisy Marriage*. Of Fioravanti I have already had many occasions to speak unfavourably, and the present work affords no grounds for altering my opinion, which places him in the medium between Pucitta and Guglielmi. In scientific knowledge he must be allowed to be superior to both, but he wants the sprightliness and elegance of some of Pucitta's works, which are altogether much more pleasing. Fioravanti appears to most advantage in his serious compositions, which frequently have a considerable richness of harmony; it is in the lively movements that he fails most, where he directs the bass

into as many semiquavers or demisemiquavers as they will contain, or as the singer can perform. Each of these little notes has it's accompanying syllable, which creates a confused gabbling, like Mr. Fawcett's bravuras, or the little sentences of "Peter Pecker," &c. &c. which it is the ambition of children to repeat till they are breathless. This rapidity of motion is introduced even in his quartetts and trios, to the destruction of vocal harmony; one voice is frequently drawling over long notes, while another is fluttering up and down the gamut, with an association as unfit as that of a methodist preacher and a dancing master. The new Opera is called comic, although, in the usual style of the modern Italian dramatists, divested of every attempt at humour, and consequently of any opportunity for displaying the talents of Signor Naldi, which are lamentably wasted upon the follies of a stage that they would be calculated to adorn, if it had any pretension to rationality.

Animated by the success of *Le Calife de Bagdad*, Monsieur Vestris has once more appeared in the character of a ballet-master, and produced something which he calls *Anacreon, ou l'Amour Fugitif*, so totally destitute of every kind of merit, that I am afraid the whole fund of his invention was exhausted on his first production. The present is one of those non-descript pieces for which any name would serve, and has nothing like a plot: it serves only to introduce a man with a lyre in his hand, who walks about the stage, and after amusing himself with a few inexplicable gestures, very leisurely seats himself upon a throne, covered with Scotch carpeting, an article without doubt of great luxury in Ionia at the time of Anacreon. This person appears to be the poet, and to possess a most uncommon share of indolence, for he does nothing but sit and enjoy the exertions of the dancers, which the whole audience do as well as he. The talents of Mr. Montelani have been called in aid of this performance, to which the public are already indebted for the delightful music of *La Ville Sauvage*; and although the present composition is much inferior to the former, it has at least the merit of being much better than the piece deserves.

H. R.

## *FINE ARTS.*

Account of the Rewards given by the Society for the Encouragement of Arts, &c. &c. in our next.

For a few weeks, Mr. Westall has opened his Gallery of Oil Paintings and Drawings. Two of the latter, his last performances, display all his pictorial powers, far surpass his other works, and are a great acquisition and honour to his country. The subjects are, *Christ blessing the little Children*, and *The Nuptial Procession; from the shield of Achilles*. They are peculiarly adapted to Mr. Westall's talents, as they abound in delicacy, grace, and beauty. The colouring is rich without gaudiness; the chare obscure forcible without glare. The master lights and colours are admirably balanced. The whole abounds in exquisite hues, tones, and gradations. The Greek and Eastern costume are faithfully preserved in all their elegant variety; and above all, the character throughout is forcibly sustained. Want of room prevents my expatiating at large on these highly tasteful pictures.

R. H.

TO THE EDITOR OF THE EXAMINER.

Sir—As the following observations relate to an individual, it may be necessary for me to state that they do not arise from individual partiality. I never saw the lady who is the subject of them. I do not even know her age, her family, or any circumstance connected with her, except that she is the daughter of a most ingenious and respectable engraver, and that she has two sisters as distinguished for talent as herself.

The want of employment for females in the middle walks of life, has long been a source of complaint and regret amongst those who have made the present state of society a subject of reflection. Impressed with a sense of this deficiency, one should have expected that if any instance happened to occur of a young lady devoting her time to studies which might furnish a reasonable prospect of independence, encouragement would be poured out upon her, with a liberality proportioned to the feelings which the love of genius and industry, heightened by a sentiment of gallantry, ought to inspire; that this is not the case, the present Exhibition at Spring Gardens, plainly evinces. There are in this Exhibition, some exquisitely beautiful Fruit and Flower Pieces, (the production of a lady), arranged with so much taste, and wrought up to so high a degree of perfection,—that, since the time of the celebrated Van Huysum, we have not seen any thing comparable to them. On enquiry at the room, I find that these pictures are sent in for sale at prices which, according to my judgment of the time and labour expended in their execution, would not enable the artist to support a respectable existence; and yet not one of them is sold!!! So much for English feeling and English patronage.—But I may be told that flower painting, being an inferior walk of the art, it is beneath the *dignity of English patronage*. *The dignity of English patronage*, however, can stoop to the admiration of foreign excellence in this way—and I am credibly informed that my Lord Stafford, whose name stands at the head of the list of *Patrons of the Arts*, has within these few years paid eight hundred guineas for a picture by a flower painter of Bath, which, if I may judge from other works which I have lately seen by the same hand, must be decidedly inferior to those in this Exhibition. Besides, it were sufficient answer to this argument to say, that the works now under our notice *are the production of a lady*.—To an English woman the avenues to the higher walks of art are barred by the laws and customs of society. She cannot study the human figure, nor can she mix in those scenes which furnish to men the materials of a picture. Her attention must of necessity be devoted to inferior objects; and if there was the smallest spark of manly feeling or good taste in the country, female industry and female genius, to whatever object it may be applied, could never go unrewarded. But alas! "the age of chivalry is gone," and the age of good taste in the Fine Arts *has not* succeeded in its stead.—I am, Sir, with the utmost respect, your humble servant,

An Admirer of Female Excellence.

*London, May 17th.*

[The name of the Lady, at the neglect of whose works our Correspondent is so gallantly indignant, is Byrne. *Her Flowers and Fruit* are certainly not only excellent, but as excellent as Water Colours can make them, and are highly deserving of patronage. But he certainly is too much influenced by a spirit of gallantry when he pronounces the per-

formances of Mr. HEWLETT in oils "decidedly inferior" to these in Water Colours. With equal taste in the composition and equal spirit in the drawing of his Fruit and Flowers, Mr. HEWLETT superadds the advantage which the sweetness, richness, and depth of oils, gives him over the comparative crudeness and flatness of water colours. Reprehensible as the greater portion of the professed Patrons of Art may be in their neglect of feminine talent, our chivalrous Knight launches his spear too pointedly, and I think unfairly, at a Noble Individual distinguished for his attachment to and promotion of British Art. Is an Amateur to be expected to purchase from *all* meritorious Professors because he liberally purchases of many? Is he not to exercise his own choice in the Professor from whom he purchases? No fortune, however immense, will allow him to do the former, and it is absurd to expect the latter.—R. H.]

## *ATTEMPT ON THE LIFE OF HIS ROYAL HIGHNESS THE DUKE OF CUMBERLAND.*

On Wednesday, the Duke of Cumberland dined at Greenwich. His Royal Highness returned to town about eight o'clock, in an open carriage and four. The Duke then went to the Concert for the benefit of the Royal Society of Musicians. His Royal Highness returned to his apartments in St. James Palace, about half past twelve o'clock, and went to bed about one. About two o'clock on Thursday morning he was waked by a violent blow on his right temple; a second immediately followed. It was repeated a third time, but a movement of his Royal Highness's arm intercepted the stroke and prevented it from proving fatal. The Duke at this time became sensible of his danger; but the lamp being extinguished, he had no means of discovering the source from which it proceeded. Before his Royal Highness could get out of bed several blows were directed at him, some of which he received on his arms and hands, and others on his legs and thighs.

His Royal Highness was so affected by the loss of blood, and the sudden nature of the attack, as to have hardly power to call for assistance. The attendants however were soon roused, and an alarm was spread throughout the palace, it being supposed that robbers had broken into the apartments. In consequence, a serjeant and a file of men entered the Hall, ascended the staircase, and proceeded to his Royal Highness's bed room, the whole way to which was covered with blood, as the Duke, on the escape of the assailant, had gone down to the Hall to call up the Porter and procure his light. On searching the premises, no traces of the assailant could be found, till they came to the room appropriated to Seillis (a valet of the Duke's) when it was his turn of duty. On opening the door a quantity of blood was found on the floor, and the miserable man was discovered lying on the bed dressed, except as to his coat, waistcoat, and shoes, with his head nearly severed from his body, and a razor, the instrument of his suicide, beside him. The body was quite dead, and to appearance had been so for many minutes before.

Messengers were immediately dispatched for medical and chirurgical assistance for the Duke, and soon after three o'clock, Mr. Home, the Surgeon, and Sir Henry Halford, arrived at his Royal Highness's apartments. Very shortly after the attempt had been made, the report of it was brought to Brookes's, where the *Duke of Devonshire*, *Mr. H. Combe*, and *Mr. Sheridan*, had been till a late hour. As soon as Mr. Sheridan was apprized of this affair, he proceeded immediately to Carlton House, and related the particulars to his Royal Highness the Prince of Wales. His Royal Highness went without delay to the apartments of his Royal Brother, and having ascertained the most authentic particulars, and the opinion of the Surgeons who attended, he set out straight for Windsor, to break the matter to the Royal Parents. The rumour of this event rapidly circulated, and the Palace and its vicinity soon became crouded with persons of every description, anxiously enquiring the particulars. At eight o'clock the following Bulletin was exhibited at the entrance of his Royal Highness's apartments:—

"His Royal Highness's wounds are not immediately dangerous, and he is as well as can be expected under the circumstances of the case. A. HOME."

Cleveland-row, and the immediate vicinity of the Palace, were covered with straw, and every possible precaution taken to prevent any noise that could disturb his Royal Highness. His wounds are numerous and severe, amounting to eight or nine.—The author of this attempt was an Italian of the name of Seillis, a page or valet to his Royal Highness. His Royal Highness has three people of this description in his household, who attend him alternately a week each. Two of these were foreigners, and the third, Mr. Neale, a native of this country. It was the latter's turn of duty. Seillis has left a wife and four children; the eldest a girl, about eight years old. The poor little creature was in the crowd at the palace, a melancholy spectator of the bustle and confusion excited by the horrid catastrophe that has deprived her of a father. Seillis had lived with the Duke about ten years, but had once left him and lived with Mr. Manners, who married the Duchess of Roxburgh. He soon, however, returned to his Royal Highness's service, and became so great a favourite of his master, that he and his family were accommodated with lodgings over the gate-way, leading into the Kitchen-court from Cleveland-row; from which there was a communication with the Duke's suite of apartments. Here they were supplied with coals, candles, &c. from his Royal Highness's establishment. His Royal Highness had also so far extended his favours to this man, as to condescend to become sponsor to one of his children, on which occasion he prevailed on the Princess Augusta to stand with him. In consequence Seillis became in some sort an object of particular attention to all the branches of the royal family, from whom he and his children received many little presents and marks of notice.

It has been since ascertained that Seillis slept for the last four nights in the room which he occupied when in waiting, although it was not his turn of duty, and his wife's apartments were contiguous. This deviation from his usual practice having been mentioned to him, he excused himself by saying that some of the children were ill. He was seen in the Duke's bedroom at eleven o'clock with some linen in his hand, although he had no business there, it not being his turn to attend. In a closet in the room, there was also found a pair of slippers, which were known to be Seillis's; from which circumstance it is inferred that he had concealed himself there for the purpose of effecting his object.

It is rather extraordinary, and agrees but little with the idea of mental derangement on the part of the assailant, that during the course of the day he had thrice assisted his Master to dress; first in the morning about ten o'clock, when his Royal Highness prepared to set off for Greenwich to assist at a public dinner, and afterwards on his return, when his Royal Highness set down Gen. Phipps and another Gentleman, who returned in his Royal Highness's carriage. His Royal Highness then dressed previously to his going to Hanover-square Rooms, and was dressed by the same person.—During the preceding, or even on the very day, none of his fellow-servants discovered the least alteration in the conduct or appearance of the assailant.

### THE CORONER'S INQUEST.

On Friday the Coroner's Inquest assembled, at two o'clock, at St. James's Palace, to investigate the death of Joseph Seillis. The inquest was held before —— ADAMS, Esq. Coroner for the Verge of the Court.

The Jury were sworn in about half-past three; after which Mr. Adams informed them of the violent attack that had been made upon the Duke of Cumberland; and that there was very little doubt but that it was done by the deceased. He stated that the circumstances had been fully investigated by the Privy Council, on Thursday, and that the depositions of the numerous witnesses had been taken before Mr. Justice READ, which he should read to them.

The first affidavit read was that of the Duke of Cumberland, which stated, that about half past two o'clock on Thursday morning, he received two violent blows and cuts on his head;

the first impression upon his mind was, that a bat had got into the room, and was beating about his head; he was soon convinced to the contrary by receiving a third blow; he jumped out of bed, when he received a number of other blows; from the glimmering light afforded from a dull lamp in the fire-place, and the motion of the instrument that inflicted the wounds, they appeared like flashes of lightning before his eyes. He made for a door, near the head of his bed, leading to a small room, to which the assassin followed him, and cut him across his thighs. His Royal Highness not being able to find his alarm bell, which there is no doubt the wretch had concealed, called with a loud voice for Neale, his valet in waiting, several times, who came to his assistance, and Neale, together with his Royal Highness, alarmed the house.

*Cornelius Neale* said, he was valet to the Duke; was in close waiting upon his Royal Highness on Wednesday night, and slept in a bed in a room adjoining the Duke's bed-room.—A little before three o'clock, he heard the Duke calling out, "Neale, Neale, I am murdered; and the murderer is in my bed-room!" He went immediately to his Royal Highness, and found him bleeding from his wounds. The Duke told him the door the assassin had gone out at; he armed himself with a poker, and asked if he should pursue him? the Duke replied, No—but to remain with him. After moving a few paces, he stepped upon a sword; it proved to be the Duke's own regimental sword. The Duke and witness then went to alarm the house, and got a light from the porter. The Duke was afraid the murderer was still in his bed-room.—He was obliged to lean upon witness, from the loss of blood, and his Royal Highness gave directions that no person should be let out of the house. They called up the witness's wife, who is the housekeeper, and told her to call Seillis. He then returned with the Duke to his bed-room. Upon examining the premises, they found, in a little closet, in an adjoining small room, a pair of slippers, with the name of Seillis on them, and a dark lanthorn. The key of the closet was in the inside of the lock, and to his knowledge the key had not been in that state for ten years. Seillis took out the Duke's regimentals some time since, and put them by again, but left out the sword upon a sofa for two or three days; it was the same sword which he trod upon, and it was in a bloody state.

The FOREMAN OF THE JURY asked the witness if he thought the deceased had any reason to be dissatisfied with the Duke? He replied, he thought Seillis had more reason to be satisfied than any other of the servants; his Royal Highness had stood Godfather for one of his children, and the Princess Augusta Godmother. The Duke had shewn him very particular favour, by giving him apartments for his wife and family, with coals and candles.

A JURYMAN asked him, if he had ever heard the deceased complain of the Duke? The witness asked if he was obliged to answer that question? The Coroner informed him he must. He then stated, that about two or three years since the Duke advanced their board-wages from 10s. 6d. a-week to 14s. but at the same time took off 3s. 6d. allowed for travelling. After this regulation, a paper was drawn up by the Steward, for the servants to sign, expressing their satisfaction at the regulation, which the deceased refused to sign, and said he would be d——d if he did, and none but blackguards would sign it. The Steward told him the Duke said he must sign it, or his wife and family must quit the apartments he had given them, as the rest of the servants had signed it. He had never heard the deceased complain since. He had never given him an angry word, although he has often made use of bad language to him. The deceased was of a very malicious disposition. He would never be contradicted, for which reason he never wished to have any conversation with him.—He frequently quarrelled with Mr. Paulet, one of the Duke's servants, and fought with the Steward at Kew. Lately the deceased had a bad cold, and the Duke was so very kind towards him in consequence, that he took him inside his carriage to Windsor.—Seillis dressed the Duke on Wednesday night He had no doubt but Seillis intended that he (the witness) should be charged with being the murderer, to get him out of the way.

[The Jury proceeded to examine the bed-room of the Royal Duke, which they found in a most horrible state. It could not be discovered what his Royal Highness's night-cap was made of, it being completely soaked in blood: the first blow given his Royal Highness was prevented from proving fatal, from the Duke wearing a padded ribbon bandage round his cap, and a tassel, which came in contact with the sword: the bed-clothes were bloody, as well as the paper of the room, the prints, and paintings; the door at the head of the bed, (through which his Royal Highness endeavoured to make his escape) was cut with the sword, at the time the assailant was cutting at the Duke; he must have followed his Royal Highness to the door of an anti-room, which was also spotted with blood. The Jury then proceeded to the room where the corpse of the deceased remained. They found the body covered with blood; the razor, which did the deed, in a very bloody state. The deceased's neckcloth was cut through in several places. The drawers, wash-hand-basin stand, basin, and the water in the basin, were bloody. After the examination of the rooms, the Jury proceeded to the investigation of the witnesses.]

*Thomas Jones*, a surgeon and apothecary, of the Strand, said, he had attended the Duke of Cumberland's family since the year 1803. He knew the deceased well. The last time he had seen him was on Monday evening; he observed he was not very well, from a cold. He had seen him on the Sunday previous, when he was very anxious for the state of his sick child, having lately lost one. On Tuesday the child got better. He observed nothing particular about him for six weeks past, when he complained of a pain in his chest. He never complained to him of harsh treatment from the Duke. He understood he lived very happily with his wife. His wife told him it was of no use in sending physic for the pain in his chest, for he would not take it; he never observed any symptoms of derangement in him.

*Ann Neale*, the housekeeper, said, she was called up on Thursday morning by her husband; at the same time she heard the Duke saying "I am murdered; she got up, and went, with several others, to the door of the deceased, to call him; she found it fastened on the inside; and no answer was given to their calls; she and other servants went to another door, which opened to his room; as they approached the door they heard a noise, as if a man was gargling water in his throat. The porter entered first, and he exclaimed—"Good God! Mr. Seillis has cut his throat." He was a very obstinate and quarrelsome man. He would not bear contradiction, not even from the Duke. The Duke was very partial to him, and allowed his family to sleep in the house. His Royal Highness allowed him to ride in his carriage with him, when travelling, since his illness. The princess Elizabeth gave his wife two pieces of muslin lately. The Princess Augusta made her at present of several articles of value. About three weeks since he told her Mrs. Marsh, the housekeeper to the Royal Cock-pit, was dead, and that he should speak to the Duke to give the place to his wife; and if he did not succeed with Lord Dartmouth for that, he should apply to him to get his wife a sinecure, as he had asked his Royal Highness to get him a messenger's place, but he supposed the Duke did not like to part with him. She asked him, about a week since, if he had succeeded? and he replied he had not yet. He and his family were in so much favour, that every Court day, when the Queen came to dress at the Duke's apartments for the drawing room, Seillis's wife and children were called down, for the Queen and Princesses to see them. On the last drawing-room, the child the Princess stood for was brought into the Queen's private apartments. A special privilege was allowed to Seillis, of a bell being permitted to be put up, to ring above to the Duke from his family's apartments.

*Benjamin Smith*, porter to the Duke, said, he was [illegible]er; and up by the Duke and Neale. He armed himself with a [illegible] and then called to the servants on guard, not to suffer [illegible]ntatives, son to go out of the house. He then went to call will be, there- but receiving no answer, he went to his family, those writers, and called through the key-hole. A child answer[illegible] of Municipal

sleeping at the Duke's. He then, with several of his fellow-servants, went to Seillis's apartments again; when, on hearing the noise in his throat, he supposed somebody else was murdered in the house.

*Matthew Henry Grashen*, a servant of the Duke, said he armed himself with pistols upon his being called up. He was not able to find his way to Seillis's apartments by the regular door, but found his way by another; he and his two fellow-servants were afraid to enter the room, on account of the groans and noise in the throat of the deceased, although he had two pistols, and another had a sword. He had been so much frightened ever since, that he had not been able to visit the room where the body lay. He considered Seillis a civil, well-behaved man. He had heard him call Neale a thief, and say he could prove him such. He never quarrelled with the deceased. He seldom heard Neale and Seillis speak together. He never observed Seillis to be low spirited.

*Wm. Jackson*, surgeon, had examined the body of the deceased; he found the wind-pipe completely divided; he had seen larger wounds done by a man's own hands; the arteries on both sides were completely separated; he had no doubt but they were done by a razor, or sharp instrument; the wound was five or six inches wide, and an inch and a half deep; he had no other wound in his body, and had no doubt but his throat being cut was the cause of his death.

*Serjeant Creighton*, of the Coldstream Guards, said, he went with several men into the house; when they came to the deceased's room, the servants were afraid to go in on account of the noise; he, in consequence, took the candle from them. He found the deceased dead, with his throat cut, and a razor about two yards from the bed—The deceased was quite dead, but not cold—The blood was then running and frothing out of his neck. He did not appear to have struggled with any person, but had his hands quite straight down by his side. The deceased had on pantaloons and stockings.

*James Ball*, a footman, when he saw the deceased with his throat cut, on his bed, the sight was so shocking, he drew back and almost fainted. His wife since told him, he ate a hearty supper, shook hands with her, and bade her good night at parting.—He never quarrelled with the deceased. He understood the origin of the quarrel between Seillis and Neale, was Neale's taking a newspaper out of Seillis's hand. The Duke was particularly partial to Seillis, and behaved better to him than to any other servant. Seillis was a very sober man. If he was not at the Duke's apartments upon his business, he was sure to be found with his family. He had heard Sellis say he could never be friendly with a man (meaning Neale) who had treated him as he had done. Seillis used, some years since, to ride in the carriage with the Duke, but since a box has been made to the carriage, he was ordered, by the Duke, to ride there. He objected to that, saying, it shook him very much.

*Thomas Davenell*, another Serjeant of the guard on duty, confirmed Serjeant Creighton's account, and said, the men with him went with their bayonets fixed, expecting to meet a gang of robbers.

*Thomas Creedy*, a private in the Coldstream Regiment, deposed he was the first man that entered the room of Seillis. The deceased did not appear to have struggled with any one; his head was against his watch, at the head of the bed.

*John Probert* and *John Windsor*, two privates in the Guards, said, they were on duty, opposite the Duke's house, at the time of the alarm, and were positive no person went out of the house after the alarm.

*Thomas Strickland*, under butler to the Duke, said, he saw the deceased in the Duke's bed-room, about ten minutes before seven o'clock, on Wednesday night; he was surprised at seeing him there, and supposed him to be in close waiting upon the Duke. The deceased appeared to have a shirt in his hand; he looked very earnestly at him, but had a smile on his countenance; he went to take a cup-full of light drink for the Duke in the night, which it was his duty to do. He never heard Seillis speak disrespectfully of the Duke.

*Charlotte* [illegible], housemaid to the Duke, said, she put the two bolsters into the closet in the second little anti-room adjoining, on Wednesday night, they being only put upon his Royal Highness's bed for ornament in the day-time; there was no lanthorn in the closet at the time she put them there; and the dark lanthorn found in the closet is like one she had seen on the deceased's dressing-table; there was no sword or scabbard when she put the bolster there.

*James Paulet*, a valet to the Duke, first saw his Highness in his room with Neale holding him up. The Duke told him he was murdered, and the murderer must be in his room. The witness replied, he was afraid they should all be murdered, on seeing all the doors open. The Duke insisted they should both stay with him—his Royal Highness repeatedly called for Seillis. In a short time after some person called at the door that Seillis was found murdered. The Duke appeared very anxious for the safety of Seillis, and as soon as Surgeon Hume had dressed his wounds, he sent him to attend to Seillis. Mr. Hume soon returned, and said there was no doubt but the man had killed himself. Seillis cautioned him not to be friends with Neale. He complained to him of the Duke's making him ride in the *dickey*, as it shook him much, and riding backwards made him ill; Sellis, however, had the carriage altered to go easier, without taking the Duke's leave, at Windsor; and he had appeared content with it ever since. The ground for his saying Neale robbed the Duke was, he was seen wearing the Duke's clothes. Seillis made a charge against him at Bow-street Office, eight or nine month since, but not being able to prove it, he had been inveterate ever since. Seillis often talked about leaving the Duke's service, saying, he could not remain in the family if Neale did.

*Mrs. Hannah Seillis*, the widow of the deceased, was extremely agitated when she was called before the Coroner's Jury; and though it was probably the intention of the Coroner and the Jury to have examined her minutely, they were satisfied with her acknowledging the deposition which she had made before the Magistrate. The deposition was read over to her, and she stated that it was the evidence she had before given. It was to the following effect:—"That he had been walking with her and the children in the Park the day of the murder, and appeared unusually cheerful. He said he should sleep that night at his room in the palace. She remembered his speaking to his sister, and saying, 'death is a debt we all must pay, and it matters not when we do it.' He advised with her about the dresses which the children should wear on the birth-day. He was in no pecuniary embarrassment, was a sober and domestic man, never drinking any spirituous liquors even at his meals. The night before, he had made her a glass of brandy and water, but would not taste it himself. He always paid the greatest attention to her, and shewed the most tender fondness for his children. She never saw the most remote symptom of derangement about him. She remembered his having a dispute with Neale, in consequence of which he was about to leave the Royal service; but she represented to him the great benefits which his family derived from having coals, candles, and apartments in the Palace, and he never mentioned the subject afterwards."

The evidence was not got through till past ten o'clock, and the Jury deliberated for upwards of an hour, and then returned a verdict of *felo de se*.

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[This mysterious business has been, and still continues to be, the general conversation; and the question universally asked is, What *motive* could have induced *Seillis* to attempt the life of his Master and Benefactor? That he was not insane, is clear; and from all accounts (with the exception of some of his fellow-servants, with whom he had quarrelled) he appears to have been a man of reputable character,—an affectionate husband, and a good father. Such men do not go about wantonly attempting their Patrons lives and cutting their own throats. Without a very powerful motive, therefore, it is impossible to believe that the deceased would have so attacked the life of a person,

who had been in the constant habit of conferring kindnesses upon him,—who had indeed singled him out as an object deserving peculiar favour,—Three reasons have been assigned. One, that this confidential Valet was in the pay of Fouche, the French Minister of Police; another, that he was instigated by revenge, on account of the Duke's having given an opinion against him in a dispute he had with a fellow-servant: and the third, that Jealousy was the cause.—Now, as to the first reason, it would be quite absurd to suppose that either Fouche or his despotic Master care one straw whether the Duke of Cumberland be living or dead; and the second story is falsified by all the accounts. Jealousy then, whether it proceeded from a sufficient cause or not, appears to have been the motive for the act: and those who attribute it to this cause remark, that his Royal Highness's kindnesses to the man's wife and young children,—his permitting them to lodge under the same roof,—his becoming Godfather to the infant,—and his obtaining for them the particular favour of his Royal Sisters, &c. are all actions which might have induced the unhappy man to have taken it into his head that he had cause for jealousy.—It is argued, that few men like the brawling of children in their ears, more especially the children of other men; that the Duke had apartments only in the Palace, and to fill them with the wives and children of his domestics could not have been very pleasant. But it should be remembered, that most Princes have their favourites; that having such a favourite, and wishing to give him pleasure, no greater favour could be bestowed than the permission to enjoy the society of his wife and children; and that, finally, acts which may have arisen from the best motives, should not lightly be deemed indicative of the worst.—*Mrs. Seillis* is said not to be handsome; and as his Royal Highness pays particular attention to dress, the arrangement of which was managed with great dexterity by this valet, to the great satisfaction of his master,—here is at once a reason for the Duke's attachment, though certainly none for the rash conduct of *Seillis*.—If jealousy, therefore, did not prompt the act, it is in vain to inquire what did, for it is impossible to conceive any other motive. Had not all the evidence gone to prove that he was not insane, he would readily have been deemed a madman; and unless his conduct is to be attributed to the agitation he was in at the time, it does appear extraordinary, that he should have *struck at* the Duke when asleep in bed, rather than have thrust the point of the sword into his body.—The affair altogether is involved in a mystery, which time may possibly develope.]

## *TO THE RIGHT HON. LORD ELLENBOROUGH.*

My Lord, *May* 28, 1810.

In my last letter I did most clearly and incontrovertibly (I think) shew from the *Institutes* themselves, that the House of Commons could not order the committal of any individual out of their own House, *Nisi Per Legem Terræ*, "but by the law of the land:"—And now let us see, my Lord, what Sir E. Coke says upon these express words of Magna Charta, *Per Legem Terræ*, and whether the Warrant of the Speaker of the House of Commons for the committal of any subject is such a committal as to be comprehended under these words. Sir E. Coke says, without being brought in to answer by due process of the common law, that is, the old common law of the land used and approved of before the 9th Hen. 3d; and he immediately after explains what that common law was—by adding,

"For the true sense and exposition of these words, see the Statute of 37th E. 3d, c. 8, where the words, by the law of the land, are rendered, *without due process of law*, for there it is said, though it be contained in the great Charter, that no man be taken, imprisoned, or put out of his freehold without process of the law, *that is, by indictment or presentment of good and lawful men, where such deeds be done in due manner, or by writ original of the common law.*

"Without being brought in to answer but by due process of the common law, *no man be put to answer without presentment before Justices, or thing of record, or by due process, or by Writ original, according to the old law of the land.* Wherein it is to be observed, that this Chapter is but declaratory of the old law of England.—(Rot. Parliament, 42. E. 3. nu. 22, 23, the case of Sir John a Lee, the Steward of the King's House, 2d Inst. 50.)

Here it is expressly declared what the old law of the land was before the Great Charter—"*That no man be put to answer without presentment before Justices, &c.*"— It cannot be contended, that the House of Commons sit in a judicial capacity, *as Justices*; for they sit not by the King's Commission;—and we find it laid down by Sir E. Coke, in West. Prim. c. 15, "for all matters of judicature and proceedings in law *are distributed to the Courts of Justice, and the King doth judge by his Justices*," &c.—2d Inst. 187. The Speaker's Warrant, my Lord, is not one of the King's Writs,—nor is it process of indictment—nor is it such *lawful warrant* as is comprehended under the words *Per Legem Terræ*, of Magna Charta;—for it is particularly observed by Sir E. Coke on these express words;—

"*Now seeing that no man can be taken, arrested, attached, or imprisoned, but by due process of law, and according to the law of the land*, these conclusions hereupon doe follow:—

"First, That a commitment by LAWFUL warrant, either in deed or in law, is accounted in law due process or proceeding of law, and by the law of the land, as well as by process by force of the King's Writ.

Secondly, That he or they, which doe commit them, have LAWFUL authority.

Thirdly, That his Warrant, or Mittimus, be *lawful*, and that must be in writing under his hand and seal.—2d Inst. 52.

Now, my Lord, the Warrant of the Speaker *is not under seal*; and therefore "it is not lawful, *or a thing of record*, or *due process*, or *Writ original, according to the old law of the land.*"—2d Inst. 50.—Thus doth it appear by the expositions of the Insts.; of which Sir E. Coke observes in the Proeme thereto—

"*And our Expositions or Commentaries upon Magna Charta, and other Statutes, are the Resolutions of Judges in Courts of Justice, in Judicial Records, or in both, and therefore being collected together, shall (as we conceive) produce certainty, the Mother and Nurse of Repose and Quietness*, and are not like to the waves of the sea,—but *Statio bene fida peritis; for Judicia sunt tanquam Juris dicta.*"

And now, my Lord, I do think that I have clearly and incontrovertibly shewn, by *the Institutes themselves*, which have ever been hitherto considered as the *data* of legal decisions, that the House of Commons of *itself*, and *by its own Warrant alone*, has no right to imprison "*Per Legem Terræ.*"—But it may be asserted, that the House of Commons are invested with a *discretion* and power above the law of the land as declared by the Great Charter; and as the question of *discretion* and supremacy is now fairly put in issue between the People and their Representatives, it resolves itself into first principles; and it will be, therefore, necessary to apply for information to those writers, who have impartially investigated the origin of Municipal

Law. Accordingly, my Lord, I shall proceed (or rather recede) to the origin of all human laws; and I cannot, I believe, better illustrate the opinions of the best writers thereon, than by quotations from the book called the *Origo Legum*: a book, my Lord, which I had put into my hands, when I first entered into the profession, by a near relative, an upright and learned Judge, who lately sat on the same Bench which your Lordship at present so eminently adorns; and who directed my study to that book, as to the Rubrick of our Law Books: and thus I find it stated therein, my Lord:—

"The word *Lex*, which we render *Law*, is derived, as some think, *à legendo*, from reading, because laws are *to be writ and made public*, that so they may be *read* by the people, &c. and Cicero saith, *lex est justorum injustorumque distinctio.*—*De Leg. lib.* 2. That law is that which puts a distinction betwixt that which is just and that which is unjust, &c. b. 1. c. 1.

"That the origin and obliging power of laws is from God, is plain, from the testimony of the antient heathens, who made *Themis*, which we call *Jus*, or Right, to be daughter of Heaven, and *Jus* to be derived *à Jove*, their chiefest God," &c. b. 1. c. 2.

And, after shewing that man gives laws to all other inferior creatures, &c. and commenting upon the Patriarchal state, it observes,—

"That the first kind of civil government was monarchical, as had been proved in another chapter, and indeed it was so plain a truth, that if all other sorts of government could be shewn their beginning, and tell when, and where, and how they came to be founded and formed; some by expelling of Kings, &c. &c. But of monarchical government, no origin could be found but that of the world itself."

Then, in speaking *of the Civil Government of England*, it continues as follows:—

"In the constitution of our civil government in England, we ought chiefly to consider where the sovereignty and supremacy is placed, &c. To us of this nation, 'tis so evident where the supremacy resideth, that we need not have recourse to statesmen and lawyers for information on that point; for even the common way of speaking among us, and all the solemn sanctions of our laws, and the proceedings in all courts, and the known laws of the land, do all declare it so fully and plainly to be in the King, that any man of an ordinary capacity may understand it as well as the deepest statesman or the greatest lawyer in the world." b. 2. c. 4.

"Some prove, that in the civil constitution of this state, the supremacy is in the King, because he is the fountain of all honour and justice, and that Lord Paramount, from whence all dominion and property is derived; and good arguments they are, for if the supremacy was in the nobles, then might they confer honour upon themselves; and if in the *Commons* then would justice proceed from them: but *justice* and honour *proceed neither from the one nor the other, and therefore is the supremacy lodged somewhere else.*" &c. b. 2. c. 4.

Here we see, my Lord, that neither *justice* nor *honour* proceed either from the *Commons* or the Nobles, *and therefore is the supremacy lodged somewhere else.* It is lodged elsewhere; it is lodged in the King, *and the King doth judge by his Justices*, &c.—2d *Inst.* 187.

I shall conclude this letter, my Lord, with the following anecdote:—"When Theopompus, a Spartan king, had granted to the people their *Ephori*, to be a check to the senate, his wife upbraided him, and asked him, *If he was not ashamed to leave his Kingdom to his Son, with less power than his Father had left it to him?* And his answer was, Not, παραδίδωμι γὰρ πολυχρονιωτέραν, *for I shall leave it more durable and lasting.*" The House of Commons therefore, my Lord, need not be ashamed to submit their power to the law of the land, for by so doing they may truly say with the Spartan monarch, παραδίδωμι γὰρ πολυχρονιωτέραν. "*For we shall leave it more durable and lasting.*"—I have the honour to be with all respect, your Lordships, &c. THEMIAMES.

## *TO MR. YORKE—TELLER OF THE EXCHEQUER.*

*What is Privilege?*

SIR,—It may not be unprofitable, either to you or to the people of England, as a docile, patriotic, and loyal race, that you should all attentively study the lesson I am about to give you, during the important discussion of this very novel but vital question of PRIVILEGE. Nay, I am so confident of the ultimate benefits derivable from such a lecture, at such a season, that I recommend the people to withhold their confidence from you, as long as you hold a seat in the House of Commons for the rotten borough of St. Germains, and while you are, in fact, the representative of a NOBLE LORD *only*, instead of the people; and I also conjure them never to restore you to that confidence, until you shall have washed off all the stains and rottenness which now deface your political character, and also proved its purity, by becoming, if you should ever be able to accomplish it, the *real* representative of some independent portion of Englishmen. You will discover, from my signature, what my official habits are. I have been many years engaged in drawing that nice discriminating line, so necessary to be exhibited between virtue and vice, right and wrong—in applying a due proportion of encouragement on the one hand, and of punishment on the other; and I do assure you, had you belonged to my school, you would very frequently have fallen under the severity of my lash. I have no means of correcting you, but by exposure and admonition, through the medium of a FREE PRESS, one of the inestimable blessings of Britons. My power has always been ABSOLUTE, and was never disputed with success. Indeed you will not venture to contend, that a *schoolmaster* is not the *only absolute power* that can be tolerated in this free country. I now, therefore, advise you most solemnly, to make your peace with the people, whose confidence you have so daringly violated, by a full and complete reparation of the laws you have offended, and of the injuries and indignities you have brought down, with such aggravated weight, upon the heads of two families belonging to that society of which our beloved Monarch GEORGE III. is the head. Here you may exhibit symptoms of high offence at what you will call rash presumption in one of my humble station: but believe me, Sir, I regard not your writhing and storming: the objects that engage my attention at present, are far superior to individual feeling. Even if I were not a schoolmaster, I hold an UNDISPUTED RIGHT, by the laws of the society to which I belong, of which the King is president, to discuss the propriety of every public act, either of you or any other member of any small detachment from our society, deputed by us for the purpose of transacting *our business only*, and not their own private or selfish concerns. This right, you well know, has been asserted very recently in the Court of King's Bench, where the Right Hon. Lord ELLENBOROUGH declared, to his eternal honour let this be spoken, that *there was only one Being to whom error was not imputable*—that we had a right even to comment on the public acts of the

King himself, providing we did not attribute them to evil design. Now, pray tell me, Sir, how much greater a being you are than GEORGE THE THIRD?

Then, Sir, in order to enter upon so important an enquiry and discussion fairly, and untrammelled by the horrors of your privileges, I will take an extreme as opposite to you as I am able, and state my positions boldly and unequivocally; premising only, that it will be unfair and dishonourable in you to attempt to take any advantage of me, except what you can do by substantial arguments. First then, I deny that you had any right to bring JOHN GALE JONES to the Bar of the House of Commons, either by Motion or Order: secondly, I deny your right to require him to criminate himself: thirdly, I deny the right of any being, or any number of associated beings in this kingdom, to act in the fivefold capacity of runner, accuser, jury, judge, and executioner: fourthly, I deny the right of the House of Commons to imprison any member of the King's Society, for any alledged offence, *not* committed either within, or contiguous to, the walls of their House during its sittings.

Now, Sir, in proving these propositions, I lament exceedingly my want of so powerful an auxiliary as a course of legal study. I have no standard for appeal, except the basis, I presume, of all our laws; namely, *common sense*: and you are likely to remark—but a very small portion even of that. Be it so.—To proceed, however, I shall first enquire what LAW *used* to be; and then what PRIVILEGE *used* to be. This done, I mean to infer, *that they both continue to be, even unto this day, precisely what they formerly were: unless you can prove the contrary, by adducing a* SOLEMN ACT *of the legislature.*

"A LAW," says ISIDORUS, lib. 2. *Etymol.* "shall be honest, just, possible, agreeable to nature, and according to the custom of the country; convenient in place and time; necessary and useful; also manifest, lest through its obscurity, it should by quirk contain any thing unforeseen; WRITTEN FOR NO PRIVATE ADVANTAGE, but for the *common benefit* of the Citizens." PAPINIANUS, that sound doctor, from whose school the Romans derived so many able lawyers, declares, lib. 1. in a language which you may yet be able to understand, "LEX est commune præceptum, virorum prudentum consultum; delictorum, quæ sponte vel ignorantiâ contrahuntur, coertio: COMMUNIS REIPUBLICÆ SPONSIO." For those less learned than yourself; "LAW is a common precept, an ordinance of wise men; a restraint of offences which are committed either by design or through ignorance; a common covenant of a state." ARISTOTLE, *de Causis Civil.*, says, "LAW is the *common consent* of a state, which commands by WRITING (*scriptis*) in what manner every thing is to be done."

As I shall furnish you with further definitions of Law in my enquiry into the nature of PRIVILEGE, I now proceed to that part of my subject. PRIVILEGE is, says CALEPINE, "LEX *privatis* facta; sive lex ad *privatos homines* singulosque pertinens." That is, "a law made for *private* men; or a law belonging to private and *individual* men." ATTICUS GRÆCUS says, "Privilegia sunt jussa, *non generalia*; neque de *universis* civibus, sed de *singulis* conceptæ: inde dicta, quia veteres *priva* dixerunt, quæ nos *singula* dicimus." In our language, "Privileges are precepts, *not general*; nor conceived (*or written*) concerning *every* citizen, but *individual* citizens: on that account called privileges, because the ancients called those laws private *or peculiar*, which we call single *or individual*." The same author also says, "Privilegium enim hoc differt a lege; quod *lex ad multos*, PRIVILEGIUM AD PAUCOS pertinet." In English, "For Privilege differs from Law in this particular; that LAW relates to many, PRIVILEGE to a few." Again, CICERO says, "In privatos homines leges ferri noluerunt (*majores*): id enim est privilegium; *quo quid est injustius?* Cum legis hæc vis sit, scitum est jussum in omnes." In our language, "Our ancestors would not permit laws to be made for private men: for that *is* privilege; *than which, what is more unjust?* Since this is the soul of a law—the statute is decreed against all." Finally, and sufficient for my present purpose, CICERO *pro Domo suâ*, says, "Vetant leges sacratæ,—vetant XII. tabulæ, leges *privis* hominibus irrogari: id enim est privilegium." That is, "The sacred laws forbid—the XII. Tables forbid, that laws should be made for *private* men: for that is privilege."

Yet I do not expect to convince you, even though I had risen from the dead for that purpose. I believe, however, I have, by this time, shewn the difference between LAW and PRIVILEGE; and that this difference will be seen by all *disinterested* men.

Now, Sir, you may, from these definitions, collect the following summary of some of the leading features of a law, which I will put interrogatively upon *privilege*, as set up by the House of Commons. Is the privilege you contend for *just?* Is it *agreeable to nature*, and *in unison with the custom* of this country? Is it either *necessary* or *useful?* Is it *manifest?* Is it *written*; and *where?* Was it made for the *common benefit* of Englishmen? Is it a *common precept of wise men?* Is it *a common covenant of the State?* Does it tell us *what is a crime*, and *how great the punishment?* Is it *general?* Is it *written concerning every citizen?* To all these questions you are compelled to answer, NO. Then, I say, your privilege is not a LAW. Perhaps it resembles the laws of a Roman tyrant (I believe he was, but you can correct me if I err) who required all his decrees to be written so illegibly, that his subjects could with great difficulty read and understand them. And he had one law amongst them which made it a *capital offence* to attempt to read them; for he was THE SOLE JUDGE OF HIS OWN LAWS, and superior to all individual and collective powers whatever. But, surely, this conjecture is very wild, and leaves my original question still unanswered.

What then is privilege? It is a GRANT conferred on another for some specific purpose. It is not a birthright originally inherent in any man or any set of men, but derived from another, and enjoyed *during pleasure*. From what source did the House of Commons derive their privileges? Does not the Speaker ask his Majesty for them at the opening of every Session? If they had been derivable from the laws of the land, why did he not apply there for them instead of troubling his Majesty? But he knew the vanity of such an application. The laws neither could nor would grant such privileges as have lately been contended for, because *impartiality* is their very essence, and their noblest feature. They equally affect the King and the beggar.

Let us now look into the antiquity of the House of Commons; the origin of its privileges, and the manner of their attainment.—"In the reign of WILLIAM RUFUS there

was (it is said in a work which you know well) a great Council of Parliament held at Rockingham; and, saith EADMERUS the historian, a certain Knight came forth and stood before the people, and spake in the name and behalf of them all, whereby the mind and consent of the people was understood, who (as is conceived) was *the Speaker* of the House of Commons: but the author nameth him not. This is mentioned only because of the antiquity thereof." "Sir THOMAS HUNGERFORD is the first Speaker named upon record. 51 ED. 3. *n.* 89." "Sir JOHN CHEYNEY, Speaker in 1 H. 4th, *made protestation*, that he might have liberty to amend any mistaking in that which he should deliver from the Commons."—"Sir ARNOLD SAVAGE, Speaker in 5 H. 4th, after he had made the ordinary protestation concerning his own mistakings, further desired the King, in the names of the Commons, that they might freely make complaint of any thing amiss in the Government, and that the King, by the sinister information of any person, would not take offensively that which they should complain of in that behalf."—"Sir JOHN TIPTOFT, Speaker in 7 H. 4th, made protestation (which never any Speaker did before or since), that if any writing were delivered by the Commons this Parliament, and they should desire to have it again to amend any thing therein, it might be restored to them."—"Sir THOMAS MORE, Speaker in 14th and 15th H. 8th, made the usual protestation for himself; and prayed, if any of the Commons should, in debate of matters, speak more largely than they ought, that it might be pardoned by the King."—"RICHARD RICH, Speaker in 28th H. 8th, is the first that is recorded to have made request for access to the King."—"Sir THOMAS GARGRAVE, Speaker in 1st ELIZ. made *the four requests*, ever since and now usually made by most Speakers, as appears by his oration; namely,

First, for free access to the Queen.

Secondly, for liberty of speech.

Thirdly, for privilege from arrests.

Fourthly, that his mistaking might not prejudice the House."

Now, Sir, I have been thus tedious, in order to exhibit to you and to my countrymen the origin and growth of the privileges of the House of Commons, *not of Parliament*, as the vermin of the State would induce us to believe. You can tell whether the present Speaker requests the same, or a greater number of privileges, from his Majesty, at the commencement of every Session. Did he request the privilege, in behalf of the Commons, of committing, during pleasure, any of his Majesty's subjects to Newgate or the Tower, who should venture to discuss the propriety of any public measure that might be agitated by his faithful Commons; although *his own public acts* are not exempt from such discussion? If not, where is your right so to do?

Having proved, I hope, that the novel privileges, now claimed by the House of Commons, are not the law of the land, and that, because they have not been granted by the King, you have, in fact, no such privileges, I should deviate from the usual line of my duty, were I not to inform you very briefly what your privileges are, and what they always ought to be.

The privileges of the House of Commons, whenever they assume the character of *power*, should always be exercised for the *benefit* of the people. In fewer words than these the PRIVILEGES of the House of Commons are the PUBLIC GOOD—or the public good is the privileges of the House of Commons. When the exercise of such privileges ceases to produce a *positive benefit to the people*, and degenerates into individual oppression and probable ruin, it assumes the character and essence of despotism, and ceases to be the right either of one man or any number of men in any civilized nation. What benefit, then, did the people derive from being excluded from your debates on the Watcheren Inquiry? and what advantage did the *enemies* of the people gain? Why did you not impeach Mr. HUNT, a Member of your Honourable House, and a public peculator, to the amount of 80,000l. instead of sending poor GALE JONES to Newgate during pleasure? Why did you not arrest or impeach the Hon. Mr. VILLIERS, who has robbed the nation to the amount of 280,000l. instead of committing Sir FRANCIS BURDETT to the Tower, for interceding in behalf of the humble conductor of a Debating Society? You must, in your defence, answer all these questions, and tell me, at the same time, what you think of the following Resolution made by the House of Commons in the year 1763:—

"Resolved, by the Commons in Parliament, that privilege in Parliament does not extend to the case of *writing* and *publishing* seditious libels; nor ought to be allowed to *obstruct* the ordinary course of the laws," &c.

If your obstinacy should render it necessary for me to repeat my lectures, I will tell you a tale in my next, which shall make your hair stand on end, like that of your Hon. Friend's, Mr. LETHBRIDGE. In the mean time, as the great national question of privilege is likely to be decided very speedily, I will just hint to you that the Right Hon. Lord ELLENBOROUGH is now Chief Justice of the Court of King's Bench; and I will also congratulate my injured and insulted countrymen, that the following form of words is part of the oath he has taken; namely,

He has sworn "to do *equal* law and right to all the King's subjects, rich and poor, and not to delay any person of common right for the letters of the King, or of *any other person*, or for ANY OTHER CAUSE; but, if any such letters come to him, HE SHALL PROCEED TO DO THE LAW, the same letters notwithstanding."—I am, Sir, &c.

PEDAGOGUS.

## *ACCIDENTS, OFFENCES, &c.*

On Tuesday afternoon the carriage of Mrs. Manning, of Coram-street, was overturned, near Hyde-park-corner, by driving against one of the long Western-coaches; and the coachman, whose name was Hinde, was thrown off the box, and killed on the spot. Two ladies in the coach escaped unhurt.

The body of a middle-aged woman, well attired, was picked up near Blackfriars-bridge, on Sunday morning. The body has been owned; and it proved to be that of a Mrs. Manders, teacher at a seminary in St. James's, which she had left a fortnight ago; and to all appearances the body had lain in the water during the whole of that period.

## MARRIAGES.

[The account of the marriages of J. W. Vevers, Esq. and Mr. Thomas Mathews, inserted in the last EXAMINER, was a fabrication. It was sent to the Office under the signature of "John Smith," and the writer is doubtless one of those empty and malignant persons, who find a pleasure in wounding the feelings of their acquaintances.]

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